

REMARKS

In the Final Office Action¹ dated January 22, 2010, the Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,697,944 to Jones et al. ("Jones") in view of U.S. Patent No. 6,868,403 to Wiser et al. ("Wiser").

By this Amendment, Applicants cancel claims 1-9 without prejudice or disclaimer of the subject matter thereof and add new claims 10-26. No prohibited new matter has been added.

The rejections contained in the Final Office Action are believed to be improper and moot in view of new claims 10-26. Moreover, new claims 10-26 are allowable over the cited references.

For example, independent claims 10 recites a system for maintaining protection of digital content distributed for playback, including a computing platform configured to "receive encrypted digital content from [a] server" and "forward the encrypted digital content without decrypting." *Jones* and *Wiser*, when taken alone or in any proper combination, fail to teach or suggest at least these features of claim 10.

In Figure 2, *Jones* illustrates a server 60 sending an encrypted audio file to a PC 64 via the Internet 62. *Jones*, col. 8, liens 50-58. PC 64 then decrypts the encrypted audio file for playback. *Jones*, col. 8, lines 62-65. PC 64 can also re-encrypt the audio file with the public key of a portable device 66 and then send the encrypted audio file to portable device 66.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Jones's PC 64 does not teach or suggest the claimed "computing platform" at least because it does not "receive encrypted digital content from [a] server" and then "forward the encrypted digital content without decrypting," as recited in claim 10 (emphases added). Indeed, PC 64 does not "forward" the encrypted audio file. Instead, PC 64 decrypts it for playback and then encrypts it again when sending the same to portable device 66.

Wiser fails to remedy the deficiencies of *Jones*. In Figure 1, *Wiser* discloses a delivery server 118 encrypting media content and sending the media content to client system 126 of a purchaser of the media content. *Wiser*, col. 5, lines 15-20. Client system 126 then decrypts the media content for playback. *Wiser*, col. 5, lines 15-20 and col. 6, lines 1-5.

Wiser's client system 126 also fails to teach or suggest the claimed "computing platform" at least because it does not "receive encrypted digital content" and then "forward the encrypted digital content without decrypting," as recited in claim 10 (emphases added). Indeed, client system 126 does not "forward" the encrypted media content anywhere.

For at least these reasons, *Jones* and *Wiser* fail to teach or suggest independent claim 10. Independent claims 15, 20, and 26 while of different scope than claim 10, distinguish over *Jones* and *Wiser* for at least reasons similar to those noted above for claim 10. Claims 11-14, 16-19, and 21-24 distinguish over *Jones* and *Wiser* at least due to their dependence from one of the allowable independent claims.

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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